

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK



GEORGIA THORNTON,
as Administratrix of the Estate of
MATTHEW THORNTON,

Plaintiff,

v.

DANIEL DYSARD, et al.,

Defendants.

Civil Action No.: 9:16-CV-1358
(CFH)

ORDER AUTHORIZING COMPROMISE OF CIVIL RIGHTS ACTION

Upon reviewing the Plaintiff's Motion for approval of the settlement in this civil rights action, and good and sufficient cause being shown to allow the Administrator of the Estate of Matthew Thornton to compromise this action in the best interest of the Estate, the Settlement is hereby approved by the Court.

It is hereby ordered that Georgia Thornton, as Administratrix of the Estate of Matthew Thornton, is authorized to accept the sum of \$225,000 (Two Hundred Twenty-Five Thousand Dollars) in full settlement for personal injuries sustained by Decedent Matthew Thornton in this action. The Administratrix is further authorized to execute and deliver to the Defendants a Release for all claims asserted, or that could have been asserted, in this litigation.

It is further ordered that the application of the Plaintiff's counsel for the reimbursement of attorneys' fees and expenses is granted. Plaintiff's counsel is hereby awarded \$ 780.65 as reimbursement for litigation expenses, and \$ 74,925.00 in attorneys' fees, pursuant to the terms of the Estate's retainer with Plaintiff's counsel. The Court also approves \$ 659.03 in litigation

expenses to the Grasso Rodriguez firm, as detailed in the underlying motion. Plaintiff's counsel shall not seek any further attorneys' fees for work concluding the wrongful death administration of Decedent Matthew Thornton's Estate. Any additional legal representation required in the Albany County Surrogate's Court beyond Attorney Keach's efforts to address the wrongful death administration will have to be addressed and approved by the Surrogate's Court as an expense of the Estate.

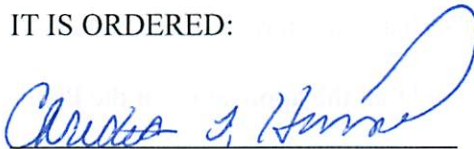
The remaining share of the settlement, \$ 148,635.32, shall be paid to the Estate of Matthew Thornton, the distribution of which is hereby referred to the Albany County Surrogate's Court for disposition.

The entirety of the settlement proceeds of \$ 225,000 shall be paid to Plaintiff's counsel within thirty days of the approval by the Surrogate's Court of the distribution of the Estate, absent further order of this Court on notice to all parties. Any payments to be made from the Estate besides the payment of attorneys' fees and expenses shall be approved by the Albany County Surrogate's Court. The payment of attorneys' fees and expenses approved above shall only occur after a Petition is filed in the Albany County Surrogate's Court seeking distribution of Mr. Thornton's estate, notice of which shall be provided to this Court prior to the payment of these fees and expenses.

The Court retains jurisdiction over this matter to enforce the settlement.

IT IS ORDERED:

Dated: November 3, 2017


The Honorable Christian F. Hummel
United States Magistrate Judge